

UNITED STATES DISTRICT COURT
DISTRICT OF
DIVISION

FILED

2016 DEC 27 P 1:01

U.S. DISTRICT COURT
N.D. OF ALABAMA

Rony Cherenfant

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

CV-16-P-2073-E

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

Officer Mr. Harkins, at FCI-

Talladega

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

_____ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)

X **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331(a) U.S. Code (federal defendants)

_____ **OTHER** (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: Rony Cherenfant
- B. List all aliases: _____
- C. Prisoner identification number: 55849-018
- D. Place of present confinement: USP-Atlanta, Atlanta, Ga 30315
- E. Address: P.O. Box 150160

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: Officer Mr. Harkins
- Title: Correctional Officer / CMS Shop Foreman
- Place of Employment: FCI-Talladega, Talladega, Al 35160
- B. Defendant: _____
- Title: _____
- Place of Employment: _____
- C. Defendant: _____
- Title: _____
- Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO (☐) If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO (☐)

C. If your answer is **YES**:

1. What steps did you take?

BP-8, BP-9, BP-10, BP-11

2. What was the result?

For the BP-8, the officer stated that I did not qualify as
an orderly. Then the BP-9 replied (Untimely). BP-10, and BP-11
immediately answered (Untimely) thereafter. (Rubberstamped).

3. If the grievance was not resolved to your satisfaction, did you appeal?

What was the result (if there was no procedure for appeal, so state.)

D. If your answer is **NO**, explain why not:

E. Is the grievance procedure now completed? YES (x) NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities? YES (x) NO ()

G. If your answer is YES:

1. What steps did you take?

I talked to his boss of CMS about it. I wrote a complaint
about it to the Assistant Warden. He sent it to the same
Administrative Boss for CMS. I talked to the Warden and
Assistant Warden many times.

2. What was the result?

Mr. Harkins would be addressed to work the situation out
with me. He would tell me this then I would wait for the
change which would never come about.

H. If your answer is NO, explain why not:

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court

- A. Name of case and docket number: _____

- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: _____

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____

- G. Basic claim made: _____

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____

H. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

My due process rights were violated while I was at Talladega FCI. I was not given the opportunity to receive the grade one position in all the years working at CMS landscaping shop. The rebuttal for my Informal Resolution was that I did not qualify as a shop orderly. Mr. Harkins is not stating facts and is trying to deceive everyone involved in this situation. Inmate Mr. Dix was a number one in grade as an orderly when I was hired to work with him. I slowly moved up through the grades. I was given grade two a few months after Mr. Harkins took over the landscape shop after Mr. Springer, the boss for the landscape shop when I received the job on or around August 2012, transferred to outside landscape. Mr. Harkins put people in positions where he wanted them to be and I received the position as an orderly and I did a great job. This went on from on or around February first 2013 to on or around July fifteen 2014. By that time Mr. Harkins had who he wanted as a grade one inmate worker, Mr. Bailey. Inmates Mr. Davis, Mr. Bailey and Mr. Rock were inmates he put before me through out these years even after repeatedly asking and writing a request for a reason why. I quit the

landscape shop job for that reason on or around July fifteen 2014
untill I returned on or around the first of January 2015 when
I was notified by Administration staff and inmate workers of
CMS that there would be a new boss for the landscape shop.

When I received the job back Mr. Harkins told me I would have to
work my way back up. I was given two jobs out of spit of me
being hired without his knowledge. I was given the job of riding
the Zero Turner and cutting the bushes in front of the units.

On or around March first I was given my grade two back and
promised to be moved up to grade one one day in the future.

Thats where I stayed untill I was put up for a transfor to another
prison on or around September fifteen 2015. I have pursued
this issue many times to no avail. All white Americans were
quickly promoted pass my grade level with no explanation.

The promotion process was improperly based on race.

This discriminatory practice was unfair.

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

Award a total of one hundred twelve thousand five
hundred dollars (112,500.00) against Defendant
Mr. Harkins for humiliation, pain and suffering
based on his unlawful actions.

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this
Complaint are true to the best of my knowledge, information
and belief. I understand that if this certification is not correct,
I may be subject to sanctions by the Court.

Signed this 20th day of November 2016

Rony Cherentant
(Signature of plaintiff or plaintiffs)

Rony Cherentant
(Print name)

55849-018
(I.D. Number)

USP-Atlanta P.O. Box 150160
Atlanta, GA 30315
(Address)